



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,644	04/06/2001	Stephen (Hsiao Yi) Li	TI-25711.1	6999
23494	7590	12/16/2004	EXAMINER	
TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265			SELLERS, DANIEL R	
			ART UNIT	PAPER NUMBER
			2644	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/827,644	LI ET AL.
	Examiner	Art Unit
	Daniel R. Sellers	2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 April 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 13-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 13-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 April 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>04/06/01</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 13-25 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,272,615 in view of Rostoker et al. (Rostoker), U.S. Patent No. 5,864,554.
3. Regarding amended claim 13, see Rostoker and claim 1 of Patent No. 6,272,615,

An audio reproduction system, comprising:

means for acquiring a stream of data which contains encoded audio data; (Col. 31, line 66 – Col. 32, line 4, and Fig. 5, unit 306).

a data device for processing the stream of data connected to the means for acquiring, the data device operable to form at least one channel of PCM data on an at least one device output terminal; (Fig. 5, units 345).

a digital to analog converter connected to the output terminal operable to convert the channel of PCM data to an analog audio signal on a D/A output terminal; (Fig. 3, unit 349).

a speaker subsystem connected to the D/A output terminal; (Fig. 3, unit 308) and wherein the data device further comprises:

an instruction register operable to hold an instruction during processing by the data processing device; a central processing unit (CPU) operationally connected to the instruction register and operable to process a data word in response to the instruction;

an index register operationally connected to the instruction register and operable to provide a first address in response to the instruction; and

address circuitry operable to form a memory address of the data word by selecting a first portion of the first address from the index register and combining the first portion of the first address with a first portion of an immediate field selected from the instruction, such that the first portion of the immediate field is a most significant address portion with the first portion of the first address as a least significant address portion, wherein the first portion of the immediate field has a first width and the first portion of the first address has a second width.

Rostoker teaches a network adapter for use in an audio/video MPEG-2 system.

Rostoker does not teach a system with a CPU as stated in the pending claim. The previous patent, 6,272,615, teaches a CPU claimed. The previous patent does not claim the CPU subsystem within an audio system. The benefits of a CPU as claimed are apparent to one of ordinary skill, wherein, for example, the CPU could create a system that could be clocked at a slower rate, but perform the same amount of calculations as a CPU from prior art. It would have been obvious for one of ordinary skill in the art to combine the teachings of Rostoker with the previous patent, 6,272,615, for the purpose of faster decoding.

4. Regarding claim 14, the further limitation of claim 13, see Rostoker,

... wherein the means for acquiring comprises a satellite broadcast receiver. (Col. 4, lines 1-9 and Fig. 5, unit 306).

Rostoker teaches that data can be acquired from a direct broadcast satellite (DBS).

Art Unit: 2644

5. Regarding claim 15, the further limitation of claim 13, see Rostoker,
... wherein the means for acquiring comprises a digital disk player. (Col. 4, lines 35-40 and Fig. 5, unit 306).

Rostoker teaches that data can be acquired from a digital disk.

6. Regarding claim 16, the further limitation of claim 13, see Rostoker,
... wherein the means for acquiring comprises a cable TV receiver. (Col. 3, lines 14-15 and Fig. 5, unit 306).

Rostoker teaches that data can be acquired from CATV.

7. Regarding claim 17, see claims 1 and 2 of Patent No. 6,272,615 and the above rejection of claim 13.

8. Regarding claim 18, see claims 1 and 3 of Patent No. 6,272,615 and the above rejection of claim 13.

9. Regarding claim 19, see claims 1, 3, and 4 of Patent No. 6,272,615 and the above rejection of claim 13.

10. Regarding claim 20, see claims 1, 3, 4, and 5 of Patent No. 6,272,615 and the above rejection of claim 13.

11. Regarding claim 21, see the above rejection of claim 13. Rostoker teaches the acquiring means and the processing of stream data.

12. Regarding claim 22, see the above rejection of claim 21 and claims 1 and 2 of Patent No. 6,272,615.

13. Regarding claim 23, see the above rejection of claim 21 and claims 1 and 3 of Patent No. 6,272,615.

Art Unit: 2644

14. Regarding claim 24, see the above rejection of claim 21 and claims 1, 3, and 4 of Patent No. 6,272,615.
15. Regarding claim 25, see the above rejection of claim 21 and claims 1, 3, 4, and 5 of Patent No. 6,272,615.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 703-605-4300. The examiner can normally be reached on Monday to Friday between 9am and 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DRS



FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER